

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

GRADY LYNN COX, #07538078	§	
VS.	§	CIVIL ACTION NO. 5:02cv13
UNITED STATES OF AMERICA	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Grady Lynn Cox, an inmate confined at F.C.I. Texarkana and proceeding *pro se*, filed a motion pursuant to 28 U.S.C. § 2255. On September 2, 2003, this Court issued a Final Judgment dismissing this case with prejudice. On April 29, 2004, the Fifth Circuit Court of Appeals denied Petitioner's motion for certificate of appealability.

On November 15, 2004, Petitioner filed a Rule 60(b) motion asking this Court to vacate the judgment. On August 11, 2005, this Court denied Petitioner's Rule 60(b) motion. On August 29, 2005, Petitioner filed a motion to proceed *in forma pauperis* on appeal and a notice of appeal of the denial of his Rule 60(b) motion. The Court referred the motion to United States Magistrate Judge Caroline M. Craven.

The Court construed Petitioner's notice of appeal as a motion for a certificate of appealability. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of the motions. The Report recommended denying the motions because Petitioner has not shown any reason justifying relief from operation of the judgment. No objections were filed.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and

adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Petitioner's motion for a certificate of appealability and motion to proceed *in forma pauperis* on appeal are **DENIED**; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 31st day of October, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE